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REMARKS

Claims 16-29 are pending. Claims 1-15 are canceled without prejudice in response to a restriction requirement. Claim 30 is herein added. Support for the new claim can be found at least on page 6, lines 27-30. Applicants submit that the new claim does not add new material to the current Application.

Claims Rejections

Claims 16-17, 19, and 23-30 are patentable under 35 U.S.C. 102(e) over Mansoori (US 2005/0014353)

Applicants respectfully submit claims 16-17, 19, and 23-30 are patentable under 35 U.S.C. 102(e) over Mansoori (US 2005/0014353) because Mansoori fails to teach all features of at least independent claim 16, from which claims 17, 19 and 23-30 depend. For example, Mansoori fails to teach or suggest "forming a first patterned conductive layer...", "forming a second patterned conductive layer...", and "selectively removing portions of the first and second patterned conductive layers..." The Examiner contends that Mansoori's first patterned conductive layer is element 1620 and that Mansoori's second patterned conductive layer is element 1610. Elements 1610 and 1620 cannot be the first and second patterned conductive layers because Mansoori does not teach forming the first and second *patterned* conductive layers and then later selectively removing portions of them. (As stated in claim 16, the selective removal is of the first and second *patterned* layers and hence the first and second layers have already been patterned when portions of them are selectively removed.) Instead, Mansoori patterns or selectively removes portions of elements 1610 and 1620 but does not do both. Mansoori forms the elements 1610 and 1620 (see FIGs. 19 where the elements 1610 and 1620 are elements 1610 and 1620, respectively) and later patterns or removes portions of them (see FIG 20) but does not do both. In contrast, claim 16 both patterns the layers and then selectively removes portions of the patterned layers. For at least this reason claims 16-17, 19, and 23-30 are patentable over Mansoori under 35 U.S.C. 102(e).

Furthermore, some, if not all, of the dependent claims are patentable over Mansoori under 35 U.S.C. 102(e) for at least the same reason claim 16 is patentable over Mansoori. For example, with respect to claim 30, Mansoori fails to teach or suggest, "wherein after selectively removing portions of the first and second patterned conductive layers, the first and second patterned conductive layers have lengths that are substantially equal." Assuming *in arguendo* that Mansoori teaches selectively removing portions of the first and second patterned conductive

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layers and selectively removing portions of the first and second patterned conductive layers, Mansoori fails to teach or suggest that after removing portions of them, the first and second patterned conductive layers have lengths that are substantially equal. The Examiner contends that Mansoori's first patterned conductive layer is element 1620 and that Mansoori's second patterned conductive layer is element 1610. Assuming *in arguendo* that this is correct, Mansoori's elements 1620 and 1610 do not have substantially equal lengths. Therefore, Mansoori fails to teach or suggest this additional feature of claim 30.

Claim 22 is patentable under 35 U.S.C. 103(a) over Mansoori (US 2005/0014353).

Applicants respectfully submit claim 22 is patentable under 35 U.S.C. 103(a) over Mansoori because Mansoori fails to teach or suggest all features of claim 22. As discussed above, Mansoori fails to teach or suggest forming a first patterned conductive layer..., "forming a second patterned conductive layer...", and "selectively removing portions of the first and second patterned conductive layers..." as stated in claim 16, from which claim 22 depends. Mansoori fails to suggest these features because Mansoori teaches depositing the layers and then either patterning them or selectively removing portions. Mansoori fails to teach or suggest patterning the layers and subsequently selectively removing portions. For at least this reason, claim 22 is patentable over Mansoori.

Claims 18 and 21 are patentable under 35 U.S.C. 103(a) over Mansoori (US 2005/0014353) and Pidin ("A Notched Metal Gate MOSFET for sub-0.1 micron Operation")

Applicants respectfully submit claims 18 and 21 are patentable under 35 U.S.C. 103(a) over Mansoori because Mansoori and Pidin fail to teach or suggest all features of claims 19 and 21. As discussed above, Mansoori fails to teach or suggest forming a first patterned conductive layer..., "forming a second patterned conductive layer...", and "selectively removing portions of the first and second patterned conductive layers...to form a notched control electrode," as stated in claim 16, from which claims 18 and 21 depend. Furthermore, Pidin, alone or with Mansoori, fails to teach or suggest all of these features because Pidin fails to selectively remove portions of the first and second patterned conductive layers. Like Mansoori, Pidin fails to teach or suggest patterning layers and then subsequently selectively etching them. For at least this reason, claims 18 and 21 are patentable over Mansoori and Pidin under 35 U.S.C. 103(a).

Claim 20 is patentable under 35 U.S.C. 103(a) over Mansoori (US 2005/0014353) in view of Gardner (U.S. 6,225,168).

Applicants respectfully submit claim 20 is patentable under 35 U.S.C. 103(a) over Mansoori and Gardner because these references fail to teach or suggest all features of claim 20. As discussed

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above, Mansoori fails to teach or suggest forming a first patterned conductive layer..., "forming a second patterned conductive layer...", and "selectively removing portions of the first and second patterned conductive layers..." as stated in claim 16, from which claim 20 depends. Gardner, alone or together with Mansoori, also fails to suggest these features because Gardner fails to selectively remove portions of the first and second patterned conductive layers. Like Mansoori, Gardner fails to teach or suggest patterning layers and then subsequently selectively etching them. For at least this reason, claim 20 is patentable over Mansoori and Gardner under 35 U.S.C. 103(a).

Believing to have responded to every issue raised by the Examiner in the last communication mailed, Applicants believe the present Application is currently in a condition of allowance. Applicants earnestly solicit allowance of all pending claims.

Please contact Applicant's practitioner listed below if there are any issues that can be resolved by telephone.

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